

BELLSOUTH CORPORATION
NUCENTRIX BROADBAND NETWORKS, INC.
SPRINT CORPORATION
WORLDCom, INC.
WIRELESS COMMUNICATIONS ASSOCIATION INTERNATIONAL, INC.

September 23, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels* – WT Docket No. 02-55

Dear Madam Secretary:

On August 29, 2002, BellSouth Corporation, Nucentrix Broadband Networks, Inc., Sprint Corporation, WorldCom, Inc. and the Wireless Communications Association International, Inc. (the “Joint Parties”) submitted an *ex parte* letter in WT Docket No. 02-55, opposing the recent request by Nextel Communications, Inc. (“Nextel”) that it be awarded a nationwide license for the 1910-1915/1990-1995 MHz bands as a *quid pro quo* for its willingness to implement and partially fund its plan to address the interference its operations are causing to public safety users in the 800 MHz band.¹ Shortly after the Joint Parties’ August 29 filing, the Commission issued a *Public Notice* in which it formally asked for comment on the Nextel proposal.² To ensure that their August 29 filing is included in the record compiled in response to the *Public Notice*, the Joint Parties hereby resubmit their August 29 filing (a copy of which is attached hereto) and incorporate by reference all arguments made therein.

Simply put, the Commission should reject Nextel’s attempt to use the public safety problem as leverage for obtaining a nationwide license for the 1910-1915/1990-1995 MHz bands. As demonstrated in the Joint Parties’ August 29 filing, an award of the 1910-1915/1990-1995 MHz bands to Nextel will not have any meaningful effect on the interference Nextel is causing to public safety operations. Moreover, the Commission can address that interference without awarding spectrum in the 1.9 GHz band to Nextel – in fact, there are a number of

¹ See Letter from BellSouth Corporation *et al.*, WT Docket No. 02-55 *et al.* (filed Aug. 29, 2002) [the “Joint Letter”]. The Joint Letter was submitted in response to Nextel’s August 9, 2002 *ex parte* letter in ET Docket No. 00-258, in which Nextel opposed the Joint Parties’ compromise proposal which, as discussed *infra*, would result in the relocation of MDS channels 1 and 2/2A to the 1910-1916/1990-1996 MHz band. See Letter from Regina M. Keeney, Counsel for Nextel Communications, Inc., ET Docket No. 00-258 (filed Aug. 9, 2002).

² See “Wireless Telecommunications Bureau Seeks Comment on ‘Consensus Plan’ Filed in the 800 MHz Public Safety Interference Proceeding,” *Public Notice*, DA 02-2202 (rel. Sept. 6, 2002).

proposals before the Commission (including one already offered by the Commission itself) that would not require the Commission to award *any* new spectrum to Nextel.

Equally important, adoption of Nextel's proposal would preclude adoption of the Joint Parties' prior compromise proposal (the "MDS Industry Compromise") to clear the 2150-2162 MHz band for third generation ("3G") mobile services by relocating MDS channels 1/2/2A to the 1910-1916/1990-1996 MHz band.³ The Joint Parties have already shown that their proposal is the *only* workable solution that would permit the Commission to designate and auction the 1.7/2.1 GHz bands for 3G. By contrast, Nextel's demand for the 1910-1915/1990-1995 MHz bands is extraneous to the public safety problem, and its proposal clearly is not the only alternative for resolving the interference Nextel is causing to public safety operations. The Joint Parties respectfully submit that the choice before the Commission is clear: the MDS Industry Compromise is the superior option and should be promptly adopted.

Respectfully submitted,

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³ See Letter from BellSouth Corporation, *et al.* to Michael K. Powell, Chairman, Federal Communications Commission, ET Docket No. 00-258 (filed July 11, 2002). The full text of the Joint Parties' proposal, titled "A Compromise Solution for Relocating MDS From 2150-2162 MHz," was attached to the Joint Parties' July 11 filing.

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